

**Arent Fox**  
ATTORNEYS AT LAW

## FACSIMILE TRANSMITTAL COVER SHEET

**Murat Ozgu**  
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Date/Time: May 5, 2005

No. of Pages: 163  
(Including Cover Sheet)

## PLEASE DELIVER TO:

**Name:** SPECIAL PROCEDURES SUBMISSION  
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U.S. Patent and Trademark Office

**Fax Number:** 571-273-0025  
**Verify Number:** 571-272-3282

**Attorney Number:** 1555 **Client-Matter Number:** 100725-00102**Hard Copy Sent:** No

**Re:** U.S. Patent Application No.: 10/659,742  
Confirmation No.: 3460  
Title: WHEEL BEARING DEVICE  
By: M. UMEKIDA


**FAX RECEIVED**  
MAY 05 2005  
OFFICE OF PETITIONS

Pursuant to a Notice of Improper Request for Continued Examination (mailed 4/29/05 and a copy attached hereto) the undersigned hereby certifies that the following papers were transmitted by facsimile to the U.S. Patent Office on April 8, 2005 and are being re-transmitted by facsimile herewith:

1. Petition to Withdraw Patent Application From Issue After Payment of Issue Fee Under 37 CFR 1.313(c) (w/Deposit Acct. copy);
2. Request for Continued Examination (w/Deposit Acct. copy);
3. Information Disclosure Statement; and
4. PTO Form SB/08a w/EP Search Report with 4 cited references.

The Commissioner is hereby authorized to charge the RCE fee of \$790 and Petition fee of \$130, together with any fee deficiency or credit any overpayment associated with this communication, to Deposit Account No. 01-2300, referencing Docket No. 100725-00102.

Respectfully submitted,

  
Murat Ozgu, Reg. No. 44,275

Customer No. 004372  
ARENT FOX PLLC  
1050 Connecticut Avenue, Suite 400  
Washington, DC 20036-5339

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1050 Connecticut Avenue, NW Washington, DC 20036-5339 202.857.6000 PHN 202.857.6395 FAX www.arentfox.com



APPLICATION NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE

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OFFICE OF PETITIONS

DATE MAILED:

**NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)**

The request for continued examination (RCE) under 37 CFR 1.114 filed on 4-8-05 is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d). An RCE cannot be treated as a CPA.
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b).
- ☐ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on \_\_\_\_\_. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☒ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

**Note:** A continued prosecution application (CPA) under 37 CFR 1.53(d) cannot be filed in a utility or plant application. A CPA filed in a utility or plant application that has a filing date on or after June 8, 1995 will be treated as an RCE under 37 CFR 1.114. The request for a CPA in the instant application, however, has been treated as an improper RCE for the reason(s) indicated above.

**A copy of this notice MUST be returned with any reply.**

Direct the reply and any questions concerning this notice to:

Myrell Johnson

Technology Center

3600

(703) 80 591-272-6599



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/659,742      | 09/11/2003  | Mitsuru Umekida      | 100725-00102        | 3460             |

4372 1590 04/29/2005  
ARENT FOX PLLC  
1050 CONNECTICUT AVENUE, N.W.  
SUITE 400  
WASHINGTON, DC 20036

EXAMINER

FOOTLAND, LENARD A

ART UNIT

PAPER NUMBER

3682

DATE MAILED: 04/29/2005

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MAY 05 2005

OFFICE OF PETITIONS

Please find below and/or attached an Office communication concerning this application or proceeding.

**Arent Fox**  
ATTORNEYS AT LAW

## FACSIMILE TRANSMITTAL COVER SHEET

**FAX RECEIVED****Murat Ozgu**  
202.857.8979 DIRECT  
202.857.6395 FAX  
ozgu.murat@arentfox.com

Date/Time: April 8, 2005

MAY 05 2005

No. of Pages: 160  
(Including Cover Sheet)

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| U.S. Patent and Trademark Office |              |                |

Attorney Number: 1555 Client-Matter Number: 100725-00102

Hard Copy Sent: No

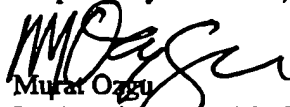
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Confirmation No.: 3460  
Title: WHEEL BEARING DEVICE  
By: M. UMEKIDA

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2. Request for Continued Examination (w/Deposit Acct. copy);
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Respectfully submitted,

  
Murat Ozgu  
Registration No. 44,275Customer No. 004372  
ARENT FOX PLLC  
1050 Connecticut Avenue, Suite 400  
Washington, DC 20036-5339  
Tel: 202-857-6000PLEASE CALL OUR FAX OPERATOR AS SOON AS POSSIBLE IF TRANSMISSION IS  
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WASHINGTON DC NEW YORK  
1050 Connecticut Avenue NW Washington DC 20036-5339 202 857 6000 PHN 202 857 6395 FAX www.arentfox.com

## PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Confirmation No. 3460

Mitsuru UMEKIDA

Group Art Unit: 3682

Application No.: 10/659,742

Examiner: Footland, Lenard

Filed: September 11, 2003

Attorney Dkt. No.: 100725-00102

For: WHEEL BEARING DEVICE

**PETITION TO WITHDRAW PATENT APPLICATION FROM ISSUE  
AFTER PAYMENT OF ISSUE FEE UNDER 37 CFR 1.313**

Mail Stop: Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date: April 8, 2005

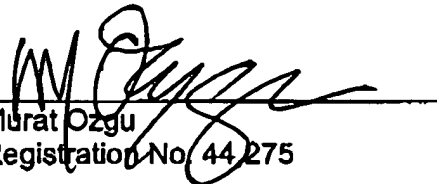
Sir:

Applicant petitions to withdraw the above referenced patent application from issue after payment of the issue fee to permit consideration of an information disclosure statement under 37 C.F.R. § 1.97 in a continuing application as permitted by 37 C.F.R. §1.313(b)(5).

Please charge the fee of \$130.00 as set forth in 37 CFR 1.17 to Deposit Account No. 01-2300. If any further fee is due to effect grant of this Petition, the U.S. Patent and Trademark Office is authorized to charge Deposit Account No. 01-2300, referencing Docket No. 100725-00102. A duplicate copy of this Petition is attached.

It is respectfully submitted that the requirements of 37 CFR 1.313 are satisfied.

Respectfully submitted,

  
Murat Ozgu  
Registration No. 44,275

Customer No. 004372  
ARENT FOX PLLC  
1050 Connecticut Avenue, N.W., Suite 400  
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Fax: (202) 638-4810  
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## PATENT APPLICATION

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In re the Application of:

Confirmation No. 3460

Mitsuru UMEKIDA

Group Art Unit: 3682

Application No.: 10/659,742

Examiner: Footland, Lenard

Filed: September 11, 2003

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**PETITION TO WITHDRAW PATENT APPLICATION FROM ISSUE  
AFTER PAYMENT OF ISSUE FEE UNDER 37 CFR 1.313**

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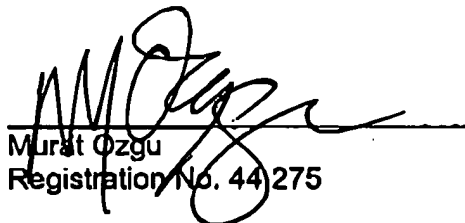
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Alexandria, Virginia 22313-1450

MAY 05 2005

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|                        |                    |
|------------------------|--------------------|
| Application Number     | 10/659,742         |
| Filing Date            | September 11, 2003 |
| First Named Inventor   | M. UMEKIDA         |
| Group Art Unit         | 3682               |
| Examiner Name          | Footland, Lenard   |
| Attorney Docket Number | 100725-00102       |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 C.F.R. § 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114**

- a. ☐ Previously submitted. If a final Office Action is outstanding, any amendments filed after the final Office Action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure (IDS)
- iv. ☒ Petition to Withdraw Patent Application from Issue

2. **Miscellaneous**


- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)
- b. ☐ Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 01-2300. A duplicate copy of this sheet is enclosed.
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☒ Other Any additional fees which may be due
- b. ☐ Enclosed is Check # \_\_\_\_\_ in the amount of \$ \_\_\_\_\_
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)


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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

|                   |   |                                   |               |
|-------------------|---|-----------------------------------|---------------|
| Name (Print/Type) | Murat Ozgu  | Registration No. (Attorney/Agent) | 44,275        |
| Signature         |  | Date                              | April 8, 2005 |

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

|                   |   |      |               |
|-------------------|---|------|---------------|
| Name (Print/Type) | Murat Ozgu  | Date | April 8, 2005 |
| Signature         |  |      |               |

This collection of information is required by 37 C.F.R. § 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO) to process) an application. Confidentiality is governed by 35 U.S.C. § 122 and 37 C.F.R. § 1.11 and § 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. 294807\_1.DOC

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- b. ☐ Other \_\_\_\_\_

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